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The Impact of Globalisation on Employment Statute Related to Employers in Zimbabwe

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Abstract. *Globalisation led to reduction of barriers between countries and intensified international interdependency such that developments unfolding in a faraway country now affect the rest of the world in economic, political and social aspects (Giddens, 1990). The Zimbabwean labour market and its national labour legislation has not been spared from the impact of globalisation. Zimbabwean labour legislation had had several amendments from its inception in 1985 to date. The amendments done at each epoch had caused serious outcry from both labour and business with the main accusations arising from unions who claimed that the effects of globalisation and government's desire to lure foreign direct investment (FDI) led to serious bias towards employers. It is against this background that this article's objective is to interrogate the impact of globalisation on labour legislation for employers. The article adopted a qualitative paradigm and made use of interviews and participants memoirs to understand this phenomenon. Results were analysed thematically by use of both Nvivo 10 and manual coding. Results showed that globalisation has impact on labour legislation for employers. Foreign direct investment and special economic zones were identified as drivers of globalisation responsible for positive impact on labour legislation for employers by influencing deregulation of unfriendly employment laws, instituting flexible contract of employment, easy termination of contracts of employment and giving immunity from dictates of the labour laws for employers operating in special economic zones. The positives of globalisation for employers resulted in direct negatives for employees. The article recommends that employers need to put into context both globalisation dynamics and dictates of the labour legislation to ensure employee dignity and fair globalisation.*

Keywords: Globalisation, labour legislation, employers, special economic zones, foreign direct investment

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1. Introduction

Globalisation is characterised by international economic inter-dependence in trade, foreign direct investment (FDI), technology, and flow of goods and services (Jaumotte & Tytell, 2007). According to Scholte (2005), globalisation involves supra-territorial relationships among people, fostered by cultural, political, economic and social infusion. The impact of globalisation on labour legislation in Zimbabwe for employers has had a dual effect (Sachikonye, 1990). Arguably, the development of labour legislation and labour relations in Zimbabwe from 1980 can be placed in two distinct phases. In the first phase, Zimbabwe's employment relations, during the inception of the country's independence in 1980, were associated with extremely low job security, poor salaries, deplorable living conditions, and high-income differentials between lowly and highly paid workers, but the economy was relatively developed with high levels of employment opportunities (Chiripanhura & Makwawarara, 2000). The government was forced to correct this dualistic development without deterring global, investor and transnational companies, all of which Zimbabwe's newly-born nation needed for FDI injection. Following independence, a new principle act, namely the Labour Relations Act (1985), replaced colonial labour laws (Industrial Conciliation Act, Employment Act, and the Minimum Wage Act) (Sachikonye, 1990). This new piece of law was too protective of employees and, according to Madhuku (1998), it made employee disciplining and dismissal virtually impossible. The effect of this conundrum was that contracts of employment were no longer under the control of the parties within the contract (employers and employees). On the one hand, companies failed to react effectively to global changes in the market, as they could not lay off redundant employees, leading to over-staffing.

The second phase was the 'labour reformation phase', when the Zimbabwean government succumbed to globalisation pressure and reformed the labour laws by introducing the Labour Act of 1992. Unemployment had risen from 12% in the mid-1980s to 26% by the end of 1990 (Dansereau & Zamponi, 2005). It became apparent that the protective rigidity of the 1985 labour law reforms had suffocated economic growth. Markets were liberalised by opening international trade through the Economic Structural Adjustment Program (ESAP). Deregulation of the labour market gave back the power to employers to hire and fire, introducing minimum wage flexibility, while all labour market constraints such as government and union intervention were removed (Ncube, Collier, Gunning & Mlambo, 1995). Employers welcomed these

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reforms, and immediately massively retrenched, and casualised labour. This article interrogates the impact of globalisation on labour legislation for employers in Zimbabwe.

1.1. Problem statement, research questions and objectives

The general assumption regarding the efficacy of labour legislation is its anticipated inherent nature of regulating the work environment by protecting actors to the labour relations interaction from abuse against each other. In the case of Zimbabwe, FDI empowered transnational companies to influence country policies and labour laws leading to unstandardised forms of employment regulations. Zimbabwe relaxed its employee protection mechanism in order to increase labour market flexibility. Employers yielded far-reaching power in employment relations with abilities to terminate employment contracts on notice without need to give reasons, and this led to over 30,000 employees losing their jobs in 2015 alone. A situation the Supreme Court Chief Justice termed, *"genocide of jobs" (Malaba, 2017, p. 1)*. The labour market depicted a perpetuated marginalisation of the proletariats as far back as 1992, a scenario that is still rising to unprecedented levels as the new administration of President Mnangagwa adopted the "*ease of doing business"* mantra. This phenomenon requires probing to understand the impact of globalisation on labour legislation for employers.

1.2. Research question

The above problem statement precipitated the research question below:

- What is the impact of globalisation on labour legislation for employers in Zimbabwe?

1.3. Research objective

The objective of this article is:

- To understand the impact of globalisation on labour legislation for employers in Zimbabwe.

2. Literature Review

2.1. Conceptualisation of globalisation and its distinctive nature

Giddens (2004) argues that globalisation strengthened international relations, obliterating the barrier of distance to enable societal developments in different societies to influence events in others far

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away. Perhaps the most mystifying conceptualisation of globalisation is the one by Scholte (2005), who propounds five different possible definitions of globalisation: (**1) Internationalisation,** which, in general, refers to cross-border relations between nations, driven by the need for trade in all respects; (**2) liberalisation,** which entails removing government restrictions and opening trade to international markets; (**3) universalisation,** which is described as spreading various objects and experiences to all people everywhere; (**4) westernisation,** explained as the spread of European and American modernity in the form of capitalism, colonisation, neo-imperialism and industrialism to the rest of the world and, in the process, destroying existing cultures, religions and ways of life; and lastly, (**5) de-territorialisation,** defined as the creation of homogeneous environments by the reconfiguration of geographical barriers through the infusion of societies, social relations and culture.

While demystifying the distinctive nature of globalisation, Ukpere (2014) observes:

> *"Therefore, it can be said that globalisation is capitalism, however capitalism is not globalisation; globalisation is internationalisation, however, internationalisation is not globalisation; globalisation is technological explosion, however, technological explosion is not globalisation; globalisation is deterritorialism, however, deterritorialism is not globalisation; and, finally globalisation is supraterritorialism, however, supraterritorialism is not globalisation"* (Ukpere, 2014, p. 159).

Ukpere (2014) suggests that since globalisation represents all these facets, whilst each one of these concepts inadequately represents it, one must, therefore, satisfactorily explain and define globalisation according to its unique experience and influence on any concept. Hence, this study contextualises globalisation as it relates to labour legislation for employers in Zimbabwe.

2.2. Labour Relations Act (1985) and the advent of globalisation in Zimbabwe

Pre-independent Zimbabwean labour relations were preoccupied with legislative promulgation to advance colonial capitalism. A scenario explained by Khor's (2000) definition of globalisation, as cited by Shojai and Christophers (2004, p. 4), *"globalisation is what we in the Third World have for centuries called colonisation."* Mhone (2001) notes that Zimbabwe's colonial past shaped its current labour legislation. Soon after independence in 1980, the newly elected government sought to rebuild the war-torn country

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through reconciliation of the warring parties in order to retain and lure foreign direct investment (Thata, 2016). The Robert Mugabe-led black government had learnt from the mistakes of its predecessors (Mozambique, Malawi, Tanzania and Zambia), whose economies had crumbled when they tried to immediately undo the effects of colonisation, and were accused by the international community of "*pervasive violations of human rights and breach of international labour standards"* (Fenwick *et al*., 2007, p. 3). Hence, the government was under pressure to build the nation, and at the same time reverse the deleterious effects of colonialism without offending global capitalists. In 1985, Zimbabwe promulgated a new labour law (Labour Relations Act of 1985). As Sachikonye (1990) mentions, it may be argued that the delay to introduce a new labour law and continued use of oppressive colonial labour laws was based on the need to advance the interests of dominant capitalists and imperialist powers for economic purposes, as they owned the entire industrialisation and farming industry in Zimbabwe. Collins (1982), as cited by Raftopolous and Sachikonye (2001, p. 7), whilst describing the historical materialism theory as the foundation from which law emerges, explained how superior powers use the law to gain what they want from the weak. The author notes:

> *"The class instrumentalist approach shows how the economic relations that determine the class structure of society eventually exercise their influence on the law through mediation of the state apparatus. In short, the economic base determines the legal superstructure, not instantaneously and mechanically, but through a process of class rule in which participants further their interests through the legal system" (Collins, 1982, in Raftopolous & Sachikonye, 2001, p. 7).*

Fenwick *et al.* (2007) argue that enactment of the 1985 Labour Relations Act was owing to ensuing pressure from employees, and the union to regulate the labour market. Sibanda (2002) notes that even after the promulgation of the 1985 Labour Relations Act, though it tried to extend some rights to workers and the union, it had its own flaws. Major issues that affected the labour market remained unresolved, for example, the Minister of Labour was given extensive powers to the extent of determining wages, define what unfair labour practice is, register or deregister trade unions, approve/disapprove dismissals, and allow or disallow industrial action (Raftopolous & Sachikonye, 2001). Consequently, the Labour Relations Act caused more harm than good, as the state dictated workplace relations from the terraces without hands-on

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appreciation of the needs of both employers and employees. Saunders (2007) claims that as long as the Zimbabwean government remained oppressive towards the proletariats whilst advancing transnational companies and imperialists' interests, it attracted admiration across the globe. Indeed, the influence of global capitalism, driven by imperialism and industrialism, derailed the Zimbabwe African National Unity's (ZANU) PF revolutionary communist self-determination that propelled it to power in 1980, as it considered a possible backlash from the international community, had it adopted an exclusively communist and socialist approach after independence. Sutcliffe (2013) argues that the 1985 Labour Bill was lukewarm, as it neither addressed political issues nor investment concerns. He notes that whilst the bill introduced a new labour relations system, it also did not disturb the prevailing economic structures of the country. Its mediocrity resulted in both the capitalists and proletariats criticising it extensively. The criticisms were bordered on two composites; the first one was capitalist in nature, coming from the capitalist bourgeoisies backed by foreign investors, whilst the second one was a socialistic approach, motivated by the need to continue communist ideologies to ensure equality in Zimbabwean workplaces (Sachikonye, 1990).

2.3. A clash of ideologies and triumph of globalisation over socialism

Raftopolous and Sachikonye (2001), citing Parliamentary Debate (1985), note the Labour Relations Act of 1985 was criticised for seeking to terminate capitalism and private enterprise in Zimbabwe, and urge that the Minister of Labour failed to realise that socialism was a utopia that was not going to happen in Zimbabwe. Fobanjong (2001) adds that the minister responsible for labour was literally afforded all powers, including making regulations on various aspects. The Labour Relations Act was viewed by business to be harmful to the economy by its provisions that protected the interests and rights of workers at the expense of business. Sachikonye (1986) claims that whilst it was pertinent to protect employees from unprincipled and dishonest employers, it was also crucial to protect the industry. Exceeding advocacy continued to come from employers' associations, investors and parliamentary debates, increasingly calling for the need to review the Labour Relations Act (Madhuku, 2001).

Conversely, the ZCTU also criticised the Labour Relations Act, its concerns founded on the need to afford adequate employee democracy through collective bargaining (Saunders 2007). According to Sachikonye and Raftopoulos (2018), a leader of the ZCTU argued:

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"*While in one vein the Act seeks to encourage the formation and consolidation of trade union movement, it appears to me that in another vein we are pulling the carpet from underneath the ZCTU, how can the union be effective when in actual fact its powers are undermined as a trade union movement by the Bill itself?"* Sachikonye and Raftopoulos (2018, p. 8).

Amidst these hot debates denouncing the Labour Relations Act, government defended the law, arguing that it resembled the ethos of the Zanu PF government, and its commitment to save the people. The then-Minister of Labour, Mr. Obey Shava, blamed the criticism on sympathisers of capitalism, as he noted: *"The recent debates, comments and criticism of the Act clearly indicate who the proponents and apologists for capitalism and exploitation are, and who the champions of the workers are"* (Sachikonye, 1986).

Clearly, the debate and criticism of the 1985 Labour Relations Act exposed a crush in philosophical views between business capitalists and those who advocated for more workers' rights. In the midst of all the criticism from both camps, Madhuku (2001) states that the 1985 Act was pro-employee, and took away the employers' rights of managing the workplace, and vested such rights in the minister, who exercised his state-vested bureaucratic powers to intervene in industrial relations in the workplace. Kanyenze (2011) concurs observing that implementation of the legislation became an impediment on productivity. Disputes took long to be resolved, and the minister's unilateral setting of minimum wages, incommensurate to industrial performance exacerbated the situation. This resulted in reduced investment, which caused economic decline from 1989, and pressure increased on government to pursue labour market deregulation in line with recommendations from the World Bank, aimed at attracting Foreign Direct Investment (FDI) (Saunders , 2001).

At this period, globalisation had accelerated, and it was the collapse of the Berlin Wall in Germany, the collapse of the Soviet Union, and the victory of capitalism envisaged with the end of the Cold War in 1989 that moved the new world order towards adoption of global collaboration and neo-liberal strategies (Brahm, 2002). Governments became inclined, more than ever, to solve international problems through constructive engagement and dialogue, and to create free trade systems by promoting the liberalisation of

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markets and deregulation (Schiphorst, 2001). The abatement of ideological conflicts and the triumph of globalisation over socialism left Zimbabwe with one choice to adopt World Bank trade liberalisation and labour market deregulation to save its declining economy (Saunders, 2007). This resulted in promulgation of the Labour Act of 1992, and its hallmarks are quite evident in the current labour legislation in spite of several amendments to it to date.

In order to ensure a better appreciation of the Zimbabwean Labour Act, and to build a foundation for the direction of this discussion, Table 1 below highlights the chronological order of developments that took place in the Zimbabwe's labour legislation.

Table 1: Development of the Labour Act from 1985 to 2015, Source (ILO, 2016)

Year	Name	Comments
1985	Labour Relations Act (Act 16 of 1985)	Original name
1992	Labour Relations Amendment Act (1992)	Deregulation
1996	Labour Act [Chapter 28:01] of 1996	Revised edition and change of name
2001	Labour Relations Amendment Act (24 of 2000)	Increased workplace democracy
2002	Labour Relations Amendment Act (17 of 2002)	Changed general employment conditions
2005	Labour Amendment Act (No. 7 of 2005)	Changed general employment conditions
2015	Labour Amendment Act (No. 5 of 2015)	Protecting employees against dismissals

2.4. Globalisation and its mark on the Labour Act for employers

The change in labour legislation witnessed in 1992 was a complete labour market deregulation that gave birth to a completely new piece of legislation, which epitomised the existing Labour Act [Chapter 28:01], and indeed the current labour legislative system. The hallmark of the 1992 labour legislation was based on liberalisation of the labour market and affording some flexibility to employers. Accordingly, this section

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considers the influence of globalisation on basic characteristics of the 1992 Labour Act, as amended, namely employment contractual provisions, termination of contracts, dispute resolution mechanisms, and collective bargaining.

2.4.1. Provision of employment contracts

The Labour Act provides for five types of contracts that the employer and employee can enter into (Sambureni & Mudyawabikwa, 2003). The two most common types are permanent and fixed-term contracts. Mariwo (2008) defined a permanent contract as one that does not have a time limit, and whose termination can only be through death, retrenchment, resignation, retirement, mutual separation and dismissal for misconduct. In some instances, it terminates by closure of operations by the employer, or owing to other supervening circumstances like natural disasters or war. In contrast, a fixed-term contract of employment has a known termination date, which means that it ends by the flux of time, thus naturally expires as per the timeframes given in the contract (Gwisai, 2006).

Two other types of employment contracts, which have historically been uncommon, but have suddenly become popular with employers, are seasonal contracts and specific tasks contracts. In a seasonal employment relationship, employment is only available at specific times of the year (Madhuku, 2015). For example, the agriculture industry in Zimbabwe depends mainly on seasonal contracts, since the majority of farming companies operate during the rainy season. In terms of specific task contracts, Statutory Instrument 15 (2006), Section 5(d), defines it as a contract that binds the employer and employee relationship, based on a specific task or work (Statutory Instrument, 15, 2006). The employment relationship chinches on a specific work assignment and the contract will expire automatically upon completion of the job (Mariwo, 2008).

The last type of employment contract permissible under Zimbabwean labour law is the casual contract of employment. The rationale of a casual contract of employment under Zimbabwean law is to allow employers to engage employees for ad-hoc jobs, usually for a small period (Madhuku, 2015). This reasoning was outlined by the Labour Act, Section 12(3), in its definition of this type of contract, when it

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provided that a casual contract should not exceed six weeks' engagement in four consecutive months. Should it exceed this limit, the employee automatically becomes a permanent employee (Labour Act, 1992). Casual contracts in Zimbabwe are less formal, usually verbally endorsed, and employees who have these contracts are not protected by labour legislation most of the time. With the dawn of globalisation, employment contract law assumed a paradigm shift with employers increasingly preferring other forms of contracts compared to permanent employment (Nyamapfene, 2015).

Mariwo (2008) claims that the increase in other forms of contracts of employment ahead of permanent contracts led to unprecedented rises in casual labour. Barrientos (2013) postulates that casual labour is, in a way, a form of informalisation, which is predominately influenced by corporates' desire to be flexible, and yet, at the same time, be able to compete in the world market. Von Holdt and Webster (2005) argue that companies the world over are more interested in reducing costs of labour and liabilities involved with hiring permanent employees. In fact, the influence of transnational firms and increasing pressures on existing global trends forced states to liberalise to conform to global market changes by adopting fixed-term employment contracts (Godfrey, Maree, & Theron, 2006b). Kanyenze (2011) contends that World Bank's ESAP imposed preconditions on Zimbabwe to deregulate its labour laws for it to receive much-needed financial assistance from international financial institutions, while transnational investors played a central role in bringing new forms of contracts to the 1992 labour law reforms.

2.4.2. Termination of employment contracts

The Labour Act [Chapter 28:01], as amended under section 12, dictates various ways of legally ending an employment relationship. Prior to 17 July 2015, the Labour Act allowed the dismissal of permanent employees through a notice without the need to provide a reasonable cause (Mucheche, 2017). Hence, for a permanent employment contract, the required notice period was three months, while other forms of termination include natural expiration of a contract, retrenchment, dismissal in terms of the employment code, and resignation (Gwisai, 2006).

Upon repealing the termination of notice on 1 September 2017 by enactment of the Labour Amendment Act, No. 5 (2015), only four forms of termination of employment contract are

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permissible in Zimbabwe presently (Uzhenyu, 2016). The four methods of terminating an employment contract, albeit that resignation was conspicuously omitted, are outlined in Table 3 below, and for comparison purposes, to provide a better appreciation of the antecedents leading to the changes at each stage, Table 2 shows termination of employment contract.

Table 2: Labour Act [Chapter 28:01] - Employment termination on notice, Source: Labour Act [Chapter 28:01] (1992)

12(4) Except where a longer notice has been provided for under a contract of employment or in any relevant enactment, and subject to subsection (5), (6) and (7), notice of termination of the contract of employment to be given by either party shall be –

(a) three months in the case of a contract without limit of time or a contract for a period of two years or more;
(b) two months in the case of a contract for a period of one year or more but less than two years;
(c) one month in the case of a contract for a period of six months or more but less than one year;
(d) two weeks in the case of a contract for a period of three months or more but less than six months;
(e) one day in the case of a contract for a period of less than three months or in the case of casual work or seasonal work.

Table 2: Labour Amendment No. 5 Termination of employment contract, *Source:* Labour Amendment No. 5 (2015)

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> Section 12 (Duration, particulars and termination of employment contract) of the principal Act is amended –
>
> (b) By insertion after subsection (4) of the following subsections –
>
> (4a) No employer shall terminate a contract of employment on notice unless –
>
> (a) the termination is in terms of the code or in the absence of an employment code, in terms of the model code under section 101(9); or
> (b) the employer and employee mutually agree in writing to the termination of the contract; or
> (c) the employer was engaged on a period of fixed duration or for the performance of some specific service; or
> (d) pursuant to retrenchment in accordance with section 12C.
>
> (4b) Where an employee is given notice of termination of contract in terms of subsection (4a) and such employee is employed under the terms of a contract without limitation of time; the provisions of section 12C shall apply with regard to compensation for loss of employment.

A plethora of scholars agree that the 1992 labour law reforms were necessitated by government's need to attract FDI and market liberalisation (Fenwick, Kalula, & Landau, 2007; Raftopolous & Sachikonye, 2001). Consequently, the 1992 reforms gave employers the right to hire and fire, which encompassed the authority to terminate on notice, even if the employee did not commit any offense (Kwaramba & Uzhenyu, 2017). This right was evoked in 2015, and caused arbitrary dismissals of employees following the Supreme Court judgement in Don Nyamande & Anor v Zuva Petroleum (Pvt) Ltd (2015), which upheld the legality of the provisions to terminate on notice. This led to mass termination of contracts of employment across the entire labour market, including parastatals (Malaba, 2017). Sutcliffe (2013) notes that privation of proletariats in Zimbabwe was because of the neo-liberalism approach taken by its government in labour market policies.

Harrison (2010) claims that the domination of superior nations and multi-billion dollar transnational companies have gained power within governments, and business international financial institutions to an extent that they influence global labour market policies. With this in mind, one can argue that Zimbabwe's labour legislative framework cannot stand in isolation and against the dictates of global

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investors whom it needs for FDI and to recapitalize its industries. In fact, from 2015, Zimbabwe started to move on a new path of 'ease of doing business' to lure investors, which amongst others, relates to friendly labour laws that do not stifle investment (Countouris, 2019).

2.4.3. Collective bargaining legal framework at the dawn of globalisation

Gernigon, Odero and Guido (2000) argue that collective bargaining is integral in workplace democracy, as it allows employee participation in issues that affect them directly, creating an opportunity for management and labour to jointly resolve workplace problems. The Zimbabwean Labour Act under Section 25A, through the works council, and under section 74 by use of the National Employment Councils, provide for collective bargaining. Grogan (2000, p. 263) defines collective bargaining to be a process by which *"employers and employees collectively seek to reconcile their conflicting goals through a process of mutual accommodation."* The Zimbabwean High Court in the case of the Metal and Allied Workers Union v Hart Ltd (1985) explained this process clearly; "*there is a distinct and substantial difference between consultations and bargaining. To consult means to have counsel or seek information or advice from someone and does not imply any kind of agreement, whereas to bargain means haggle or wrangle so as to arrive at some agreement on terms of give and take. The term negotiate is akin to bargaining and means to confer with a view to compromise an agreement".*

In Zimbabwe, collective bargaining is conducted at workplace level (works council), and through industry bargaining (National Employment Council). NECs are sector specific collective bargaining chambers, created in 1992, following labour market liberalisation. The NEC is a product of the Labour Act [Chapter 28:01], section 62. It is formed by a registered trade union(s) and employers' organisation(s) falling under a specific industry, which combine to form an NEC for the purpose of determining and regulating wages and conditions of employment in their respective undertaking/s (Kamidza, 2017). NECs were and are still funded by employers' organisations and sector employees through a monthly 50/50 contribution, agreed upon by the parties (Madhuku, 2015).

It is not deniable that the dawn of globalisation influenced the Zimbabwean labour legislative system from a government-controlled to a liberalised system, where parties negotiate conditions of service,

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and generally anything affecting them in their employment relationship. NECs provides for employee full participation, since unions challenge management decisions and minimise management prerogatives. Agreements reached in the NEC are Collective Bargaining Agreements (CBAs) that are binding upon the concerned parties (Madhuku, 2015). Conversely, NECs created space for employers and shielded them from direct union interference in the workplace's daily management, while union contributions to labour relations are confined to collective bargaining at the NEC, and the majority of workplace democracy activities involve works councils (Gwisai, 2006). New trends of employer dominance in workplace democracy have been witnessed by provisions of exemptions, where unions have been faced with a dilemma of how to deal with works council agreements that the NEC has had to ratify, and where, for example, the employer would have agreed with its employees to apply for exemption from paying minimum wages (Madhuku, 2015).

2.5. Emerging concepts

The debate regarding Zimbabwe's labour legislation, particularly the Labour Act [Chapter 28:01], is characterised by unending union critics, with concerns that the Labour Act does not afford necessary employee rights and freedoms (Gwisai, 2006). Conversely, business view labour legislation in Zimbabwe as being counter-productive, epitomised by employee protective provisions (Sachikonye & Raftopoulos, 2018). Although it would be naive for one to expect any labour legislation to be flawless and free of criticism, the law should at least seek to uphold social justice and fairly address concepts and issues of common interest between employers and employees. In fact, Biagi, Tiraboschi and Rymkevitch (2002) argue that, law in itself cannot determine an outcome for every possibility, but it should be able to provide basic guidelines and principles within the auspices of moral reasoning. The severe criticism that the Zimbabwean Labour Act suffered from both sides of the divide, only point to some failures in basic requirements and such a flaw require probing. Hence, the next section presents the methodological strategies used to explore this phenomenon.

3. Research methodology

Data was collected from primary sources, that is, directly from the participants. The article adopted a qualitative research approach, using a purposive sampling approach and snowballing technique. Fourteen

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participants who had the requisite characteristics were identified, selected and interviewed to generate necessary primary data. Out of this number, seven were experienced worker's committee members and union representatives and the other seven were seasoned human resources practitioners. Participants were given code names like "Tracy; Takunda" which were not their real names. The interviews were semi-structured and the participants were able to freely air their views. The interviewer was also able to probe further on an issue that lacked clarity or that needed further elucidation. Out of the fourteen participants, two opted to write memoirs detailing their experiences with the phenomenon following the guidelines of the semi-structured interview questionnaire. Data gathered was analysed and presented through narrative discourse detailing the perceptions and views of the participants regarding the phenomenon. Below is Figure 1 illustrating the methodological stages taken in collecting and analysing data.

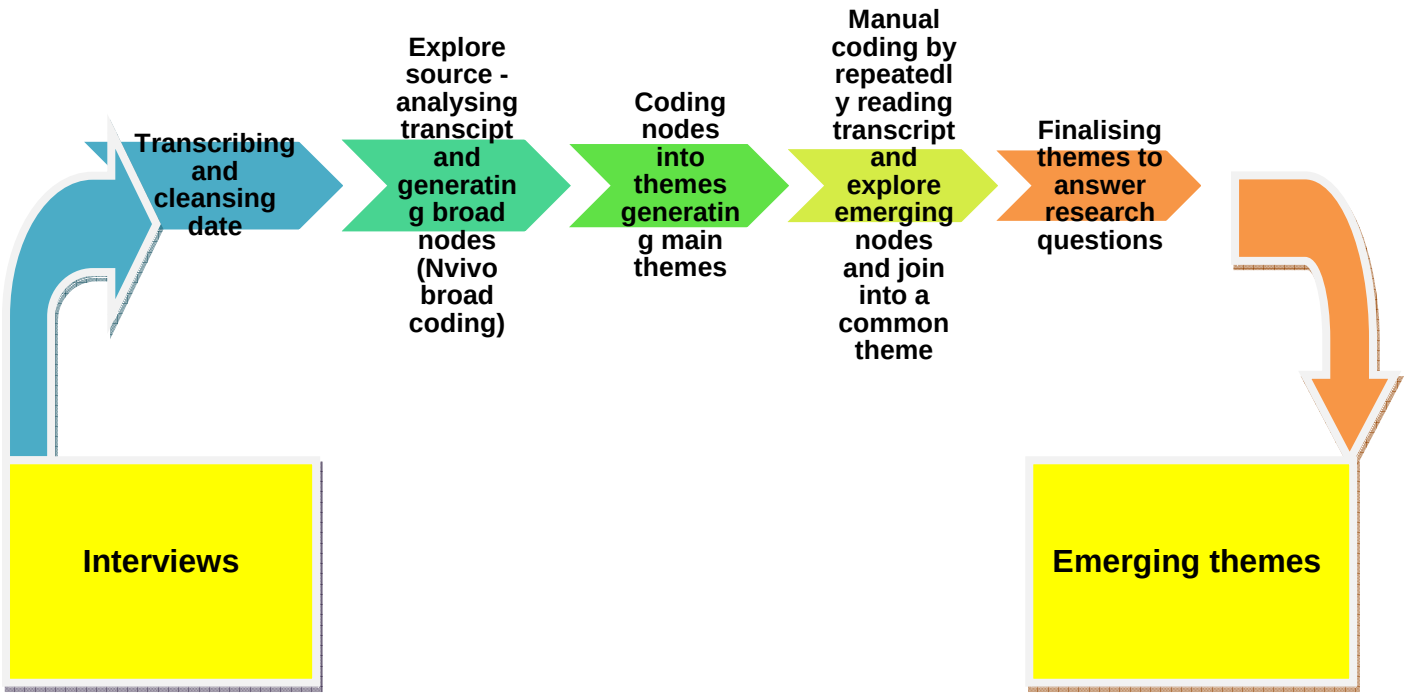

Fig. 1: Steps taken from data collection to analysis

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4. Data presentation and discussion of findings

The article's objective was to interrogate the impact of globalisation on labour legislation for employers in Zimbabwe. The emerging theme from the findings is that, **globalisation has impact on labour legislation relating to employees.** Two sub-themes namely Foreign Direct Investment (FDI) and Special Economic Zones were identified to be involved in shaping labour legislation relating to employers in Zimbabwe.

4.4. The role of foreign direct investment

The impact of globalisation on labour legislation for employers in Zimbabwe was driven by the country's need to lure foreign direct investment, such that government desire for FDI occupied a central role in directing national labour legislation policy and re-regulations. Table 2 below presents the participants' views.

Table. 4: Author's fieldwork (2020)

Participant name	**Interviewee discourses**
Ben	*"I think section 12C on retrenchment...was greatly influenced by global pressure to have a clear-cut retrenchment package for employers to plan well in advance and budget for retrenchment of employees. The new provisions favour employers. Retrenchment is now a prerogative of the employer. The employer is the one who gives the reasons to retrench. Even if the reasons are absurd, the retrenchment will proceed" (Ben Transcript, 12 April 2019, p. 1).*
Kuda	*"IMF versus National Governments, employees have not benefited. Employees have been heavily taxed in order to pay back loans. Governments have been forced to beg and nil down to the demands of World Bank and IMF in policy direction as conditions to get money or loans. You remember ESAP in Zimbabwe and massive change in labour laws and retrenchments" (Kuda Transcript, 12 June 2019, p.2).*
Patience	*"There is high liberalisation of labour laws to promote ease of doing business. You will find that government legislative trend is that it does not want to burden employers as they bring employment, investment and generate revenue for the nation" (Patience Transcript, 8 May 2019, p. 2).*

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Ryan	*"For the investors to invest, they would then dictate conditions to safeguard their investment ..." (Ryan Transcript, 14 July 2019, p.1).*
Takunda	*"The Chinese approach is becoming global to African states and in Zimbabwe...and we have accommodated these investors by allowing their practices" (Takunda, Transcript, 14 November 2018, p. 2).*
Sarah	*"Indian and Chinese employers subject employees to long working hours with little remuneration. When Chinese investors come to Zimbabwe, they enforce the cheap labour culture and because Zimbabwe is in great need of investors, these investors are given leeway to do as they please" (Sarah Journal, 15 September 2019, p. 1).*
Ben	*"For example, the laws to do with collective job action are there but in practice, they do not give the right to strike to employees. This was crafted in a way to fence the interest of employers, as the conditions are so strict and not practical to follow" (Ben, Transcript, p. 2).*

The concept of FDI and its influence on labour legislation was evident in most of the participants' responses. Kishore (2002) considers FDI to be the pick of globalisation and also warned that the impact of globalisation on each subject nation's labour laws is relative, and requires discussion from the perspective of actors in the labour market. Hence, from the perspectives of employers and employees in Zimbabwe, participants were able to itemise certain exact legislative provisions, which in their view were either changed or introduced owing to FDI. For example, some participants listed retrenchment regulations, strict collective job action laws, long working hours, and termination of contracts of employment.

However, most participants observed that the legislative changes favoured employers, and had no or little benefits to employees. Whilst commenting on the advent of labour broking, casual and fixed-term contracts, one participant who is a human resources business partner, said:

> *"The FDI concept is the one that makes companies come with demands and conditions, which are changing the Zimbabwean labour market, values and culture... With such precedence, the employers can do what they want and employees can belong to nowhere"* (Mark Transcript, 10 August 2019, p. 4).

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Mlambo (2009) contends that with the Economic Structural Adjustment Programs of 1990 to 1995, which deregulated the labour market, employees in Zimbabwe came out the worst losers, with quite a number having suffered oppressive legislation, and losing their jobs.

Only one divergent view emerged from amongst the research participants, particularly on the issue of retrenchment regulations. An employer participant, (a senior human resources officer) noted that retrenchment laws favour employees. He proffered that such bias is unwarranted, noting that employees do not deserve to be paid severance packages.

> *"The Labour Act is more of a tool to protect employees rather than employers. I have given you an example of maternity leave and retrenchment laws. Why should an employer pay retrenchment or severance package at the termination of an employment contract especially when the employer honoured all the terms and conditions of the contract of employment before termination?"* (Ray Transcript, 14 July 2019, p. 1).

Although one participant raised this issue, and in spite of clear awareness that, generally, employees are entitled to severance pay in Zimbabwe and perhaps in most countries upon premature termination of employment contracts, this issue require further discussion. With massive changes happening in the labour market globally, and the concept of severance pay sporadically dwindling slowly, with some European states like Finland and Sweden deciding not to regulate this provision (European Foundation, 2015), with time, severence packages may vanish in the same manner that permanant contracts are dissapearing. In fact, the European Foundation (2015, p. 1) warns that: "*Even in those countries where a legal baseline exists* (baseline regarding severence pay)*, collective or company agreements and individual contracts may result in different provisions".*

The next section considers the impact of globalisation on labour legislation relating to employers focusing on the role of Special Economic Zones.

4.2. The role of Special Economic Zones (SEZ)

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While FDI is instrumental in shaping or changing labour legislation, the impact of SEZs ultimately disregarded labour legislation in all facets. SEZs exempted all companies in this category from adherence to labour legislations. Results showed that companies in SEZs do not follow industry minimum wages, while contracts of employment do not follow dictates of the Labour Act, and workplace democracy and employee rights are not given. Ryan's discourse is insightful in this regard:

> *"When it comes to Zimbabwean labour relations you will realise that there is this issue called special economic zones which is actually an import borrowed from globalisation. Zimbabwe adopted this notion looking for Foreign Direct Investment. You will find out that the countries that will be investing require liberalisation of labour laws so that it will be ease and cheaper for them to do business. ...*
>
> *For example, in the food industry, we have some companies that were placed under special economic zones with an aim to attract investment. This had a direct negative impact on employees. As a trade union, we are not even allowed to represent employees in these particular companies. You would realise that even in the same company, some certain departments may be placed under special economic zones thereby allowing the employer to be free to do what it deems necessary and can go away with anything even if it violates worker rights"* (Ryan Transcript,14 July 2019, p.1).

Dannenberg, Kim, and Schiller (2013) note that SEZs are a globalisation strategy aimed at funding conditional loans with specific concessions required from host nations and exploitation of natural resources, whilst mollycoddleing foreign investors with preferential treatment. This article identified various forms of previleges afforded to investors in special economic zones, namely exemptions from paying prescribed minimum wages, liberalised contracts of employment provisions, no workplace democracy, none-provisions of union representation, and no major employee rights. In summary, it can best be described as giving investors considerable immunity from adhering to labour legislation. By according all these immunities, the aim of the host nation will be to industrialise, create employment, grow its exports, increase government revenue, improve technological exchange, and upgrade employee skills (Zeng, 2015).

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Participants in this study, both workers and employer representatives highlighted outright negative effects of SEZ in Zimbabwe. Farole (2011) established similar findings in his study of six special economic zones in African countries (Ghana, Kenya, Lesotho, Nigeria, Senegal and Tanzania). Evidence from a study by Zeng (2015) established that even in other general terms, special economic zones have failed in Africa. *"In terms of investment, exports and employment generation, the African zones are generally falling behind their peers in other continents" (*Zeng, 2015, p. 8). In Zimbabwe, SEZs have not brought benefits to workers as one participant observed.

> *"Even companies that are making profits and can afford to pay better wages, they are also giving unfair wages by virtue of them being placed under special economic zones... Special economic zones might be working elsewhere but they are not compatible to our environment here in Zimbabwe"* (Ryan Transcript, 14 July 2019, p. 2);

A reason why Zimbabwe is failing to realise meaningful fruits from SEZs rests in one of the research participant's observation, as shown below.

> *"The problem now is that some companies that are given special economic zone licences are transnational companies that operate in various countries and continents… They, therefore, copy and implement without adjustment the way they handle labour administration in special economic zones outside Zimbabwe"* (Ryan Transcript, 14 July 2019, p. 2).

The challenges imposed by globalisation can be ameriorated and the following section highlight recommendations.

5. Recommendations

It is the duty of companies and their managers to ensure that the work environment, the job, and relations within the workplace create a stable labour relations environment. Ukpere (2011, p. 93) suggests that there is a need to move "*towards building of a more inclusive and fairer globalisation that could ameliorate the plight of global workers, while promoting industrial democracy for the benefit of humanity."* The following recommendations are necessary in improving managers and employers' perception on globalisation and need to ensure a fair work environment free from employee exploitation.

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5.1 Willingness to put globalisation dynamics into context

Employers' perceptions, behaviours, and attitudes should indicate that they are ready to work with employees to find solutions to challenges that globalisation poses on employer-employee workplace relations. Employers should desist from constructing policies that adversely affect employees' welfare, whilst forcing them on employees without prior information or education on such changes. Zimbabwean employers and their managers need to contextualise changes coming from globalisation and offer better conditions than those provided for by the basic dictates of the Labour Act.

Furthermore, transnational companies operating in Zimbabwe should handle globalisation dynamics in the context of the Zimbabwean environment in line with the country's laws, culture, norms and values. Company policies copied from the head-offices of transnational companies abroad should not be implemented in Zimbabwe's context without assessing their applicability in terms of the country's laws, economics, politics and social factors.

5.2 A need to train and educate both managers and employees on globalisation dynamics

There is need for more awareness, as well as constructive training and education programs regarding globalisation, where both employers and employees are trained and informed about major global changes that affect the world of work. Employers should not only educate their managers and leave the employees outside the matrix. Instead, where necessary and applicable, both parties should receive similar educative information, especially in the interpretation of new laws and global phenomenon.

6. Conclusion

In conclusion, it is observed that the two drivers of globalisation, (FDI and SEZs) showed positive benefits for employers, namely liberalisation of employment laws, flexible contract of employment, easy termination of contracts of employment and provision of immunity for employers operating in special economic zones. The positives that globalisation occasioned for employers impacted on employees negatively. The nature of labour legislation showed that employers have more support from the laws governing employment relations and this only increases the already inherent power they have in managing

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the workplace. As such, it is recommended that employers need to put into context both globalisation dynamics and dictates of the labour legislation to ensure employee dignity and fair globalisation.

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